

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

WRITTEN OPINION
(PCT Rule 66)

Date of mailing
(day/month/year) 21.01.2004

Applicant's or agent's file reference
45.165 COSTA

REPLY DUE within 3 month(s)
from the above date of mailing

International application No.
PCT/EP 03/04474

International filing date (day/month/year)
29.04.2003

Priority date (day/month/year)
02.05.2002

International Patent Classification (IPC) or both national classification and IPC
B24B7/06

Applicant
COSTA LEVIGATRICI SPA

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

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3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 02.09.2004

Name and mailing address of the international preliminary examining authority:



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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-7 as originally filed

Claims, Numbers

1-16 as originally filed

Drawings, Sheets

1/8-8/8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1,2
Inventive step (IS)	Claims	3-16
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

Re Item V

1. Document US 3 229 423 A (D1) discloses a sanding machine of the type comprising a support structure (22,23) for the piece (E) to be precessed and a sanding unit (25) for that piece (E), said sanding unit comprising a frame supporting:

at least one winding element (25) cooperating with kinematic means(26-32) suitable for setting it in motion according to a closed ring configuration on a plane substantially parallel to the plane defined by said support structure (22,23);

a plurality of abrasive elements (35) combined with said winding element (25) spaced from one another (Fig 8) and provided with at least one abrasive surface suitable for coming in contact with said piece (E) during movement of said winding element (see column 3, line 50 to column 4, line 62 and figures).

Since all the features of independent claim 1 are disclosed by D1, the subject-matter of claim 1 is not novel (Article 33(2) PCT).

2. Furthermore document D1 discloses the features of dependent claim 2, whose subject-matter consequently lacks novelty (Article 33(2) PCT).

3. The features of remaining claims are merely some of several possibilities (see for instance document EP 499 334 A (D2)) from which the skilled person would select, in accordance with circumstances, without any special effect and without the exercise of inventive skill. Consequently the subject-matter of these claims lacks an inventive step (Article 33(3) PCT).